

REMARKS/ARGUMENTS

Favorable consideration of this application, in light of the present amendment and following discussion, is respectfully requested.

Claims 4-7 are currently pending, Claims 1-3, 8, and 10-12 having been canceled without prejudice or disclaimer. No claims are newly added or amended, thus, no new matter has been added.

In the outstanding Office Action, Claims 1-5, 8, and 10-12 were rejected under 35 U.S.C. §102(e) as being anticipated by Peinado (U.S. Patent No. 7,073,063); Claims 6-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Peinado in view of Willner et al. (U.S. Pub. No. 2002/0199009, hereafter "Willner").

With respect to the rejection of Claim 4 under 35 U.S.C. §102(e), Applicants respectfully traverse this ground of rejection. Claim 4 recites, *inter alia*,

a unit which accepts a storage request including change content obtained by changing content whose utilization restriction is released by right data and a content ID to identify the content;

a unit which, based on the storage request, makes reference to a recording unit which records utilization restricting data used to restrict the utilization of the content and the content ID in association with each other to create a storage content obtained by restricting the use of the change content by using the utilization restricting data.

Peinado is directed to an architecture for enforcing rights of a digital content. Fig. 1 of Peinado shows the architecture 10 which allows an owner of digital content 12 to specify license rules that must be satisfied before the digital content is allowed to be rendered on a user's computer 14 (see col. 4, lines 29-33). The architecture 10 includes an authoring tool 18 used by a content owner to package a piece of digital content 12 in which the digital content is encrypted to form a digital content package 12p (see col. 6, lines 26-30). Peinado describes that each piece of digital content 12 is provided with a content ID, each decryption

key (KD) has a key ID, and the authoring tool 18 causes the decryption key, key ID and content ID for each piece of digital content 12 to be stored in a content-key database 20 (see col. 6, lines 57-63). In addition, license data regarding the types of licenses to be issued for the digital content 12 and the terms and conditions for each type of license 16 may be stored in the content-key database 20 (see col. 6, lines 63-67). The architecture 10 also includes a license server 24 which provides a license 16 with a decryption key (KD) to the user computer 14 (see col. 10, lines 53-63).

The Office Action takes the position that Peinado describes “a unit which accepts a storage request including change content obtained by changing content whose utilization restriction is released by right data and a content ID to identify the content,” as recited in Claim 4 (see Office Action, at page 4, citing col. 21, lines 1-17). However, col. 21, lines 1-17 of Peinado describes the process discussed above, where a license is supplied to the user computer 14. Even if the license described by Peinado constitutes the claimed “right data,” the Office Action has not shown the claimed “*change content* obtained by changing content whose utilization restriction is released by right data.” In other words, Peinado describes providing a license to a user to play original content, but Peinado does not describe changing the original content to form change content.

The Office Action also takes the position that Peinado describes “a unit which, based on the storage request, makes reference to a recording unit which records utilization restricting data used to restrict the utilization of the content and the content ID in association with each other to create a storage content obtained by restricting the use of the change content by using the utilization restricting data,” as recited in Claim 4 (see Office Action, at page 4, citing col. 6, lines 57-65 of Peinado). However, the cited portion of Peinado describes the above-discussed packaging process, in which the authoring tool 18 causes the decryption key, key ID and content ID for each piece of digital content 12 to be stored in a

content-key database 20. However, even if the decryption key (or corresponding encryption key) for the digital content 12 (which is original content) is considered to be “utilization restriction data,” Peinado does not describe restricting the use of *change content* using the same key.

In other words, the Office Action has not shown that Peinado discloses the claimed “change content” which is obtained by changing a content. Additionally, Peinado fails to disclose “create a storage content obtained *by restricting the use of the change content by using the utilization restricting data*,” where the utilization restricting data is also used to restrict the utilization of the original “content.”

Therefore, Applicants respectfully submit that Peinado fails to disclose or suggest “a unit which accepts a storage request including change content obtained by changing content whose utilization restriction is released by right data and a content ID to identify the content,” and “a unit which, based on the storage request, makes reference to a recording unit which records utilization restricting data used to restrict the utilization of the content and the content ID in association with each other to create a storage content obtained by restricting the use of the change content by using the utilization restricting data,” as defined by Claim 4.

Thus, Applicants respectfully submit that Claim 4 (and all associated dependent claims) patentably distinguishes over Peinado.

Willner has been considered but fails to remedy the deficiencies of Peinado with regard to Claim 4. Thus, Applicants respectfully submit that Claim 4 (and all associated dependent claims) patentably distinguishes over Peinado and Willner, either alone or in proper combination.

With respect to the rejection of Claim 6 under 35 U.S.C. 103(a), Applicants respectfully traverse this ground of rejection. Claim 6 recites, *inter alia*,

a unit which accepts a storage request including a content ID to identify a content whose utilization restriction is released by right data and positional data of a partial content as a part of the content with respect to the content;

a unit which, based on the storage request, makes reference to a recording unit which records utilization restricting data used to restrict the use of the content, the content ID and the content in association with each other to create a partial content from the content and the positional data and create a storage content obtained by restricting the use of the partial content by using the utilization restricting data.

As discussed above, Peinado describes an architecture 10 which allows an owner of digital content 12 to specify license rules that must be satisfied before the digital content is allowed to be rendered on a user's computer 14 (see col. 4, lines 29-33). The Office Action acknowledges the Peinado fails to disclose or suggest the use of positional data of a partial content, and restricting the use of a partial content (see Office Action, at page 11). The Office Action relies on Willner to remedy the deficiencies of Peinado with regard to Claim 6 (see Office Action, at page 11, citing para. [0033] and [0028] of Willner).

Willner is directed to a method of providing a content for display on a device by providing content segments to the device so that the content can be displayed even if operation of the device is altered or otherwise interrupted (see para. [0028]). Fig. 1 of Willner shows a flow chart in which content segments are identified in step 102. In step 104, a device is determined which is associated with a potential recipient of the content segments (see para. [0041]). In step 106, a first of the content segments is provided to the device at a first time and a second of the content segments is provided to the device at a second time. Applicants note that paragraph [0033] of Willner, which was cited in the Office Action, describes examples of what may constitute a content segment, such as it "may be or form part of a larger group of thematically related content segments that are delivered to one or more recipients over a period of time to help educate, test or instruct the recipient(s)."

However, Claim 6 also recites “utilization restricting data used to restrict the use of the content,” and “create a storage content obtained by restricting the use of the partial content by using the utilization restricting data.” In other words, Claim 6 defines using the same “utilization restricting data” to restrict the use of the “content” and the “partial content.” As was discussed above, Peinado only describes providing a content key which restricts access to the original digital content. Peinado does not describe using the same key to encrypt/decrypt the original digital content to encrypt/decrypt a “partial content.” Additionally, the Office Action already acknowledges that Peinado fails to disclose or suggest the claimed “partial content.” Thus, even if a content segment of Willner is considered to be the claimed “partial content,” the combination of Peinado and Willner still does not disclose or suggest “create a storage content obtained *by restricting the use of the partial content by using the utilization restricting data.*”

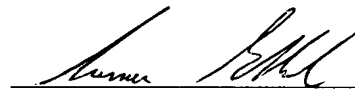
Therefore, Applicants submit that Willner fails to remedy the deficiencies of Peinado with respect to Claim 6.

Thus, Applicants respectfully submit that Claim 6 (and all associated dependent claims) patentably distinguishes over Peinado and Willner, either alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Sameer Gokhale
Registration No. 62,618

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)